



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305314
Applicant Name: Cathy Anderson
Address of Proposal: 10265 38th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are as follows: Parcel A) 5,000 square feet and Parcel B) 5,285 square feet. An existing single-family residence and detached garage have been removed under a separate permit.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into two parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 10,285-square foot site is located at the northwest corner of the intersection of 38th Avenue Southwest and Southwest 104th Street. The site has 107 feet of street frontage along 38th Avenue Southwest and 100 feet of street frontage along Southwest 104th Street. Both streets have 60-foot rights-of-way with paved roadways approximately 20 feet wide. Neither street has curb, gutter, or sidewalk along the site frontage.

The site is zoned Residential, Single-family 5,000 (SF 5000). The site was previously developed with a single-family residence and a detached garage located across both proposed Parcels A and B. However, both the single-family residence and the garage have been demolished, and a new single-family residence is undergoing construction. (The demolition and the new single-family residence were separately reviewed under Project #2304609.)

The subject site is relatively flat with a gradual slope down to the site's southeast corner. The site is not located within any mapped or observed Environmentally Critical Area (ECA).

Properties to the north, east, and west are zoned SF 5000. Properties south of Southwest 104th Street are zoned Residential, Single-family 7,200 (SF 7200). Development in the area consists primarily of single-family residences of varying age and architectural style. Arbor Heights Elementary School is located across the street on the south side of Southwest 104th Street.

Proposal

The applicant proposes to subdivide one parcel of land into two (2) lots. Proposed lot sizes would be as follows: Parcel A) 5,000 square feet and Parcel B) 5,285 square feet. An existing single-family residence and detached garage have been removed. Proposed Parcels A and B would have street frontage on 38th Avenue Southwest; proposed Parcel B would also have street frontage along Southwest 104th Street.

A construction permit for a single-family residence was separately reviewed and issued for the site (Project #2304609). This new single-family residence would be located on proposed Parcel A and would adhere to applicable development standards for the new lot including yard requirements and lot coverage.

No development or construction activities are associated with the current proposal; the subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

The comment period for this proposal ended on November 19, 2003. No written comments were received during the public comment period.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

Based on information provided by the applicant, referral comments from the Drainage Section, Fire Department, Seattle Public Utilities, City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property's zone (SF 5000) is intended for single-family residential uses with a minimum lot size of 5,000 square feet. The lots created by this proposed division of land would conform to all applicable development standards of the SF 5000 zoning district. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Both parcels would have direct vehicular access to 38th Avenue Southwest. In addition, proposed Parcel B would also have direct vehicular access to Southwest 104th Street. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access.

All private utilities are available in this area. Seattle City Light (SCL) would provide electrical service to the proposed short plat. SCL reviewed the proposal and does not require any easements to provide for electrical facilities and service to the proposed lots.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

Seattle Public Utilities reviewed the short plat application, and Water Availability Certificate #2003-1153 was issued on October 22, 2003.

The proposed parcels would be served by an existing 8-inch public sanitary sewer (PSS) located in 38th Avenue Southwest.

A ditch and culvert system in Southwest 102nd Street is the closest point of discharge for stormwater runoff from new construction on the proposed parcels. At the time of sidesewer permit issuance, an easement may be required from either of the proposed parcels to connect to this system.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

An objective of the short subdivision process is to increase opportunities for new housing development to ensure adequate capacity for future housing needs. The proposed short subdivision would meet applicable Land Use Code provisions: the proposal has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

The public use and interest would be served by this proposal because additional opportunities for owner-occupied housing would be provided within the City limits as a result of this subdivision. Furthermore, upon completion of the conditions in this decision, the proposal would meet all applicable criteria for approval of a short plat.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The site is not located in any mapped or observed environmentally critical area as defined in SMC Chapter 25.09. Therefore, this section is not applicable to the short plat application.

6. *Is designed to maximize the retention of existing trees;*

All trees on the subject site have been removed. Therefore, this section is not applicable to the short plat application.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to the proposed short subdivision because no unit lots are proposed.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

The owner(s) and/or responsible party(s) shall:

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. Add the conditions of approval to the face of the plat.

2. Submit the final recording forms for approval and remit any applicable fees.
3. On the final drawing, correct the original legal description to include the block number. The legal description should read: "Lots 19 – 21, except North 5' of Lot 19, Blk 5, John H. White Company's South Fauntleroy."
4. Add all conditions of approval to the face of the plat.

Prior to Issuance of Any Building Permits

5. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: (signature on file) Date: March 11, 2004
Leslie C. Clark, AICP
Land Use Planner